

Remarks

Claims 3 and 13-18 are canceled.

Claims 1, 4, 5, 7, 19-21 and 25-27 are amended.

Claims 1, 2, 4-12 and 19-27 are pending upon entry of this amendment.

The present claims are amended to delete reference to component c), amine oxide stabilizers.

Part of the subject matter of claim 3 is incorporated into claim 1, thus defining the dialkyl hydroxylamine stabilizers. Where R₁ (and hence R₂) is alkyl, cycloalkyl or aralkyl substituted by one to six M⁺O⁻CO- or E₁OCO groups is not incorporated into claim 1. Where R₁ and R₂ together form a ring is not incorporated into claim 1.

Diethyl hydroxylamine is excluded from claim 1. Diethyl hydroxylamine is disclosed for example as compound A on page 25 of the specification.

Claims 4 and 5 are amended to be consistent with amended claim 1.

Claim 7 is amended to insert a definition for M⁺. The definition is taken for example from original claim 3.

Claims 25-27 are amended to have the same limitations as claim 1.

No new matter is added with the present claim amendments.

Claim Objections

Claim 18 is objected to. Claim 18 is canceled.

Claim Rejections

1. Claims 1-27 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 16, 30 and 32-38 of co-pending app. No. 10/782,524, U.S. published app. No. 2004/0210056.

The hindered amines of this co-pending application are fully hindered, that is they contain no hydrogens alpha to the amine moiety. Further, the group E in the co-pending application is alkoxy, cycloalkoxy or hydroxy substituted alkoxy (paragraphs 16 and 17, page 2).

The present dialkyl hydroxylamines have at least one hydrogen alpha to the –NOH moiety. The hindered amines of the co-pending application have no –NOH moiety.

Thus, there is no possible overlap of the present dialkyl hydroxylamines and the hindered amines of this co-pending application.

In view of this, Applicants submit that these obviousness-type double patenting rejections are addressed and are overcome.

2. Claims 1-3, 20, 21 and 25-27 are provisionally rejected under the judicially created doctrine of obviousness type double patenting over claims 1-22 of co-pending app. No. 10/735,319, U.S. published app. No. 2004/0126510.

Applicants will offer a terminal disclaimer over this co-pending application, upon the resolution of all other matters.

3. Claims 1-3, 20, 21 and 25-27 are provisionally rejected under the judicially created doctrine of obviousness type double patenting over claims 1-17 of co-pending app. No. 10/466,034, published U.S. app. No. 2004/0074417.

Again, the hindered hydroxylamine salts of this co-pending application are fully hindered, and have no hydrogens alpha to the –NOH moiety.

The present dialkyl hydroxylamines are defined as having at least one hydrogen alpha to the –NOH moiety.

As there is no possible overlap of the present claims with those of the co-pending application, Applicants submit that these obviousness-type double patenting rejections are addressed and are overcome.

4. Claims 1, 13, 14, 20, 25 and 26 are rejected under 35 USC 102(b) as anticipated by Moffat, U.S. Pat. No. 5,116,409.

Moffat discloses the use of amine oxide compounds. Amine oxides are removed by amendment as discussed above.

In light of the present amendments, Applicants submit that the 35 USC 102(b) rejections over Moffat are addressed and are overcome.

5. Claims 1-5, 20-23 and 25-27 are rejected under 35 USC 102(b) as being anticipated by JP11/170686.

Again, the amine compounds of JP '686 are cyclic fully hindered amine compounds. The compounds therein have no hydrogens alpha to the amine moiety. Thus, there is no overlap with the present class of dialkyl hydroxylamine compounds.

In light of this, Applicants submit that these 35 USC 102(b) rejections are addressed and are overcome.

6. Claims 1-3 and 20-27 are rejected under 35 USC 102(b) as being anticipated by Seltzer, et al., U.S. Pat. No. 6,254,724.

Likewise, the amine based stabilizers of Seltzer are fully hindered and have no hydrogens alpha to the amine moiety. Thus there can be no anticipation.

Applicants submit that these 35 USC 102(b) rejections are addressed and are overcome.

7. Claims 1-3 and 20-27 are rejected under 35 USC 102(b) as being anticipated by WO02/055618.

This PCT publication corresponds to the U.S. published app. 2004/0074417 discussed above. The disclosure of this publication does not anticipate the present claims as previously discussed.

Applicants aver that these 35 USC 102(b) rejections are addressed and are overcome.

8. Claims 1-3 and 20-27 are rejected under 35 USC 102(e) as being anticipated by Wood, et al., U.S. published app. No. 2004/0126510, the publication of co-pending U.S. app. No. 10/735,319.

This published application discloses sterically hindered hydroxylamine strong acid salts or dialkyl hydroxylamine salts. The present dialkyl hydroxylamine compounds are not salts.

Applicants submit that these 35 USC 102(e) rejections are addressed and are overcome.

9. Claims 1-3 and 20-27 are rejected under 35 USC 102(e) as being anticipated by Biry, U.S. published app. No. 2004/0074417.

Applicants submit that the present claims are not anticipated over this publication for the same reasons as for the equivalent disclosure WO02/055618 discussed above.

Applicants submit that these 35 USC 102(e) rejections are addressed and are overcome.

10. Claims 1-3, 20 and 22-26 are rejected under 35 USC 102(e) as being anticipated by Oki, et al., U.S. published app. No. 2002/0050226.

The amine based compounds of this reference are cyclic. The present compounds are not cyclic.

Applicants submit that these 35 USC 102(e) rejections are addressed and are overcome.

11. Claims 1-5, 20, 25 and 26 are rejected under 35 USC 102(e) as being anticipated by Omatsu, et al., U.S. published app. No. 2003/0097959.

This reference only very generically discloses hydroxylamines in ink jet ink. The present claims are not anticipated by this reference.

Two specific hydroxylamines, I-63 and I-64, on page 25 of this reference, are now excluded from the present claims.

Applicants submit that these 35 USC 102(e) rejections are addressed and are overcome.

12. Claims 1-5, 20, 21 and 25-27 are rejected under 35 USC 102(e) as being anticipated by Oki, et al., U.S. Pat. No. 6,811,597.

This reference discloses cyclic hindered amine compounds. There is no correspondence with the dialkyl hydroxylamine compounds of the present claims.

Applicants submit that these 35 USC 102(e) rejections are addressed and are overcome.

13. Claims 1-5, 20, 21 and 25-27 are rejected under 35 USC 102(e) as being anticipated by Oki, et al., U.S. Pat. No. 6,676,735 (the patent of published U.S. app. 2002/0050226).

This reference discloses cyclic hindered amine compounds and as such does not anticipate the present claims.

Applicants submit that these 35 USC 102(e) rejections are addressed and are overcome.

14. Claims 1-5, 20, 21 and 25-27 are rejected under 35 USC 102(e) as being anticipated by Oki, et al., U.S. published app. No. 2004/0011249.

This reference is also not relevant to the present claims as it is aimed at cyclic hindered amine compounds.

Applicants submit that these 35 USC 102(e) rejections are addressed and are overcome.

15. Claims 1-3 are rejected under 35 USC 102(e) as being anticipated by Kitamura, et al., U.S. published app. No. 2003/0070582.

This reference is also not relevant to the present claims as it is aimed at cyclic hindered amine compounds.

Applicants submit that these 35 USC 102(e) rejections are addressed and are overcome.

16. Claims 1-5 and 20-27 are rejected under 35 USC 103(a) as being unpatentable over Helling, et al., U.S. Pat. No. 6,102,997.

Hydroxylamines are only very generically disclosed (within the definition of R₁) of this reference. Only one specific hydroxylamine is disclosed therein, compound II-10 on col. 11. This specific compound is not encompassed by the present claims.

The success of the present invention, as demonstrated by the working Examples 1-12 on pages 31-41 and Example 24 on pages 45-46 of the specification, could not have been predicted by the disclosure of Helling.

Applicants submit that the present claims, focused on dialkyl hydroxylamine and nitrone stabilizers cannot be obvious over the disclosure of Helling.

In view of the present amendments and all of the above discussion, Applicants submit that each of the obviousness-type double patenting, the 35 USC 102(b), 35 USC 102(e) and the 35 USC 103(a) rejections are addressed and are overcome, notwithstanding the obviousness-type double patenting rejections over co-pending app. No. 10/735,319.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Information Disclosure Statement

Applicants kindly request the Examiner to consider the following U.S. references:

U.S. published app. No. 20020088574,
U.S. published app. No. 20020174964 and
U.S. Pat. No. 6,599,326.

The references are listed on PTO form 1449. The Examiner is respectfully requested to indicate that each reference is considered by returning an initialed copy of form 1449.

An IDS fee letter is attached herewith.

Respectfully submitted,



Tyler A. Stevenson
Agent for Applicants
Reg. No. 46,388

Ciba Specialty Chemicals Corp.
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591-9005
Tel. (914)785-2783
Fax (914)785-7102

Attachment: PTO form 1449
IDS fee letter